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ESTABLISHED JUNE 6, 1870

SALT LAKE CITY, UTAH: SUNDAY, JUNE 15, 1902—Twenty-Four Pages

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# PETER MORTENSEN CONDEMNED TO DIE.

## JURY SAYS HE MUST PAY THE PENALTY OF HAY'S MURDER

But One Ballot Was Required By the Twelve Men to Decide the Fate of the Accused Slayer.

Prisoner Was Unmoved When Fatal Words Were Spoken But the Relatives Were Overwhelmed With Grief—Discusses the Result and Declares He Will Have A New Trial.

The jury in the Mortensen case, at 3 o'clock yesterday afternoon, returned a verdict of guilty of murder in the first degree, as charged in the information. But one ballot was taken.

Mortensen received the verdict without a move or the slightest display of emotion. His father, brother and uncle, who were present, were more deeply affected.

The condemned man is very bitter towards those who have had anything to do with his prosecution, particularly his brothers-in-law.

He declares that only one witness told the truth—Deputy Sheriff Cummock. He laughed and cursed, and declared that he would "show the public something" at his second trial, which he assumes will be granted.

The date of sentence fixed is July 5. Between now and that time the defendant's attorneys will move for a new trial.

The trial has been the most remarkable in the history of Utah, having lasted forty-one days, and cost about \$10,000.

A JURY of his peers Peter Mortensen has been adjudged guilty of the murder of his neighbor and friend, James R. Hay.

The judges had the case under consideration a little less than two hours, actual time, and upon the first ballot, arrived at the unanimous verdict.

When they brought it into court and the clerk read in loud, but solemn tones, "Guilty of murder in the first degree," there was one person in the vast throng who did not start in excitement or emotion. His name is Mortensen—Peter Mortensen.

True, the muscles of his face tightened for an instant, but only for an instant. In the most terrible moment of his life the condemned man maintained with superhuman strength that stoic calmness that has distinguished him as a human enigma since first he was caught in the iron bondage of circumstance last December.

On July 5 he will listen to the decision of justice's claim. It will be either "hanged by the neck" or "shot until dead." On him the choice will fall. Meanwhile his attorneys, gallant to the end, will plead for another trial.

Deliberations of the Jury.

Judge Morse's masterly charge to the jury was delivered shortly after 11 o'clock yesterday forenoon, and at 11:25 the twelve men retired. At 12 o'clock the court sent a query to them as to when they would go out for luncheon. The word came back that they would remain in their quarters for ten minutes yet.

But the first indication of what was to follow came at 12:10. Judge Morse was waving, and his former followers wanted no interruption of their deliberations.

But the jury did go to luncheon, and after an hour and a half returned to the jury room. Then came the minutes of suspense that seemed like hours.

The accused waited at the county jail, while his father and brother and an uncle sat in silence in the court room. Not one of them, perhaps, believed the verdict would be returned against him, yet they sat there, the cynosure of curious eyes, awaiting the slightest word from the room in which the life of a relative was being weighed against circumstances.

Ready to Report.

At 2:35 Bailiff Arthur Cummings, who had been waiting for the jury, came from the jury room and informed Judge Morse that the jury was ready to report. With incredible rapidity the word spread throughout the building. It was a moment of intense excitement among the comparative few who were seated in the court at the time. The quickness of the agreement indicated only one thing, and the blanched faces watched the door eagerly for the first glimpse of the jury.

Judge Morse dispatched word to the defendant at the county jail. The defendant telephoned for Messrs. Stewart and Stewart. A messenger rushed downstairs to find the district attorney. The women in the audience trembled until they might have fallen from their seats. The girls in the county clerk's office were almost frantic. The work there ceased immediately. It was the excitement of the moment. It was contagious, and no human force could have prevented its spread.

Verdict of Guilty.

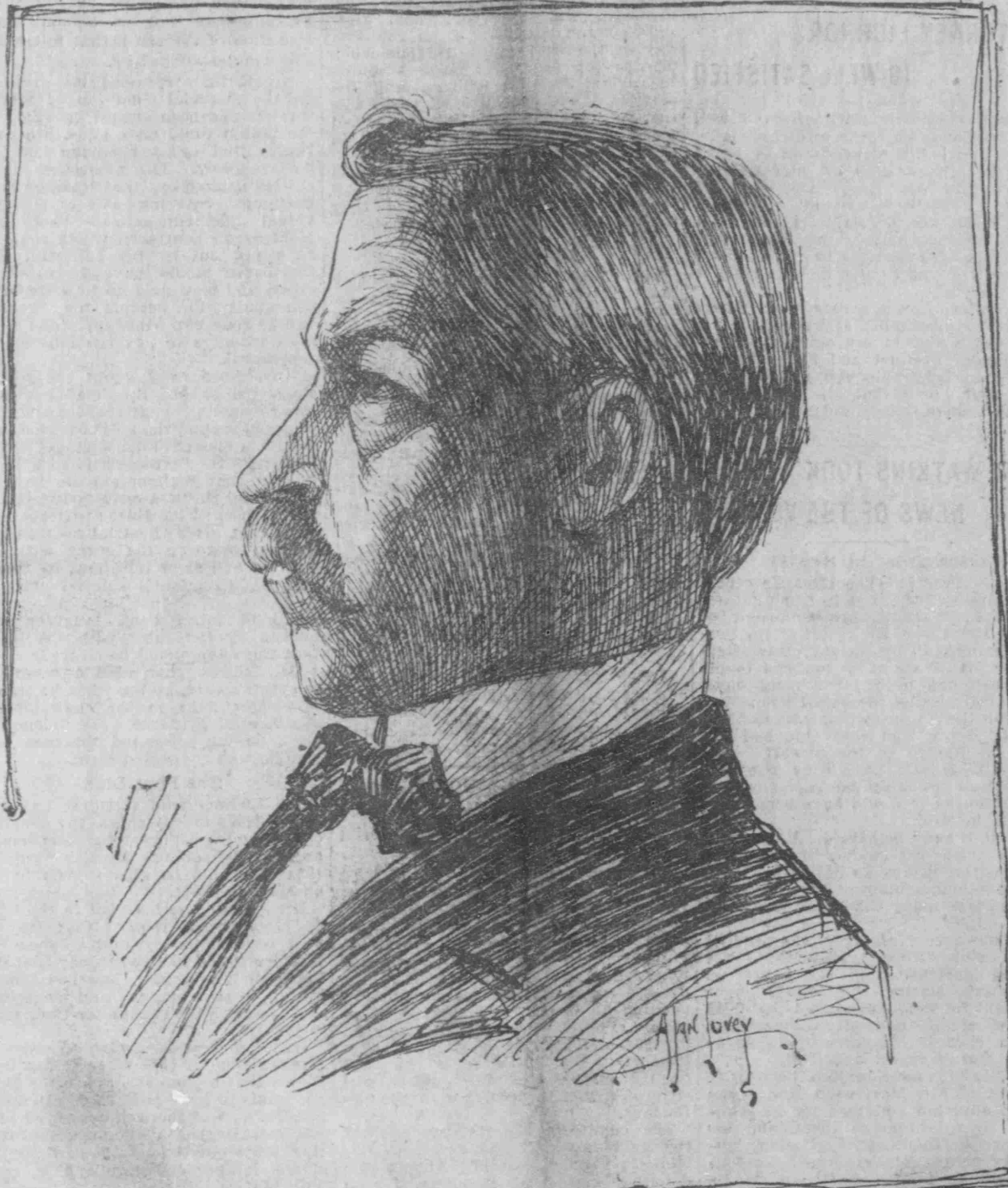
"We, the jurors in the above entitled cause, find the defendant guilty of murder in the first degree, as charged in the information," he read. "Gentlemen of the jury, is this your verdict? So say you all!"

A silent nod from each confirmed. At the word "guilty" the muscles of Peter Mortensen's face contracted. Instantly they relaxed, and he sat with his hands folded across his lap in a favorite attitude, motionless. Except at very close range, it could not be observed that the condemned man moved a muscle. Practically he did not.

A minute passed, and he but blinked his eyes once or twice. Two minutes. Then, in answer to the clerk's questions, "Joseph Smith is this your verdict?" "Samuel Brinkhurst, is this your verdict?" each juror assented.

The court then expressed his appreciation and thanks for the jury's services, and dismissed it.

(Continued on page 2.)



PETER MORTENSEN—SKETCHED IN THE COURT ROOM BY LOVEY.

## PETER MORTENSEN UNLOADS HIS BURDEN OF BITTERNESS AND DENOUNCES HIS PERSECUTORS

PETER MORTENSEN, when visited in his cell after the jury had returned its verdict, presented the same cold, indifferent front that has characterized him from the first, but now and then his real feelings would burst through the bars of restraint, and the stamp of bitterness was upon every word. He declared himself dissatisfied with his trial, and asserted with positive confidence that he would be there at a second trial, and would show the public something yet.

He struggled hard to keep back his real feelings. He laughed, but the laugh was a harsh, bitter one, and when he had to express himself it came with an oath. It was evident that he was struggling under a strange combination of surprise, bitterness and hope.

He lay upon his couch when a Herald representative approached him, and looking up with a peculiar expression in his eyes, that is so often noticed there, he exclaimed, sharply:

"I've got nothing to say about this matter, and it's no use for you to talk to me. I haven't a word to tell you."

When pressed for some statement, and told that the public wanted to hear something from him, as well as the other side, he replied, with a bitter smile:

"Yes, the public want to know a damned lot about me. They have manifested that all the way through the trial."

He broke off here as a trusty passed by the cell, and shouted to him: "It's murder in the first degree; what do you think of that?" and, resuming his conversation, he continued:

"Too much has been said already. There have been too many conjectures and suppositions—and when a man's life was at stake, too, what do you think of such interest? Does that look as if they want to know much about my side of it?"

He laughed bitterly as he said this, and turned away with an air of disgust.

He again protested that he did not want to talk about the matter at all, and said it was useless to question him, but when asked if the verdict was not a surprise to him, he replied:

"It was a surprise to me. I didn't expect it at all, but I don't care to say anything more about it, because it doesn't matter a damn what I think about it."

"I didn't get a square deal, though, in the case. I don't mean from my attorneys, for they did all they could for me, but the prosecution did not treat me right; that was shown all the way through the trial."

When asked in what manner he had been given the worst of the trial, he stated that things had been presented against him that should not have been received as evidence, and that evidence had been misconstrued and turned around by wrong construction to use against him, when, in fact, there was nothing in it at all against him.

When asked if he referred to the Sharp revelation being admitted as evidence, he replied: "Well, maybe I did, and maybe I didn't. I don't care to say anything about that, or what it is at all, but I'll tell you that I will be there at a second trial; you needn't worry about that, and I will have something to show the public yet. I have nothing to say yet about how I expect to get a new trial, but I will get one, and don't you forget that."

Reference was made to his family, and a pained expression passed over his face for a second, but it was replaced by his characteristic icy smile, as he tossed his head back and said he had nothing to say about his family whatever.

"I don't want to say a word about my family. Nobody cares a damn what they or I think about this thing, and the least said is the soonest mended."

At this juncture a prisoner in an adjoining cell read a joke from a paper, and Mortensen listened attentively to it, bursting into a hearty laugh that could be heard throughout the jail, when the point was made. Calling out to the prisoner, Mortensen added another line to the quip, making a second joke that provoked the laughter of the prisoners. He joined with them in the merriment, and then, turning around, said he had nothing more to say, and didn't want to be bothered any longer.

He was asked for a little history of his life, but he flatly refused, remarking that if anybody wanted to know about his history they could look it up; he didn't propose "to tell a damned thing."

TO PAY SURVEYORS.

Deficiency Provides For Payment of Baxter and Blossom.

(Special to The Herald.)

Washington, June 14.—The general deficiency bill reported today carries an item of \$800 to pay Frank E. Baxter and David H. Blossom for surveys of the public lands in the Union Pacific grant, Utah.

KEROSENE CAUSES ANOTHER FATALITY

Kansas City, June 14.—Four persons were burned, two perhaps fatally, here today in an explosion that followed an attempt of Mrs. Julia Hawkes to light the kitchen fire with kerosene. The injured:

Mrs. Julia Hawkes, aged 30, will die.

Thomas Hawkes, aged 7, Mrs. Hawkes' nephew, severe burns, probably fatal.

William Wiggins, Mrs. Hawkes' father, severe.

Mrs. Martha Wiggins, burns on hands, face and arms, severe.

ANNOUNCE THEIR CANDIDACY

Dewey and Hutchinson of Boise Want to Be Senator and Congressman.

(Special to The Herald.)

Boise, Ida., June 14.—Colonel W. H. Dewey, the mining millionaire, has announced his candidacy for the United States senate. He will endeavor, it is said, to secure his endorsement at the Democratic state convention.

Joseph Hutchinson, ex-lieutenant governor, has announced his candidacy for the Democratic nomination for congressman.

OPPOSE PERRAULT'S RENOMINATION

Washington, June 14.—The civil service commission has forwarded a communication to President Roosevelt urging that he hesitate in re-nominating Surveyor Perrault of Idaho, who has been under fire on civil service charges for some months.

The commission charges that Perrault refused to appear before its representatives sent there to investigate the charges and that he gave expression to utterances derogatory to President Taft.

KEARNS AND KEITH GOING ABROAD

(Special to The Herald.)

Washington, June 14.—Senator Kearns and his business partner, David Keith, will sail from New York Thursday next for Europe. They will make a tour together of Ireland and then visit continental Europe.

STRANAHAN APOLOGIZES.

Idaho Senators Have Decided to Take No Further Action.

(Special to The Herald.)

Washington, June 14.—Indian Agent Stranahan of the Nez Perce agency has written a letter of abject apology in reference to the statement made by him relative to Senator Dubois and Senator Heffield in connection with the appropriations for maintaining a clerical force at the agency. Mr. Stranahan denies having made the statements for publication in newspapers, and says he has not seen several of the articles complained of. Senators Heffield and Dubois will take no further action and will leave the matter of dealing with Stranahan entirely with the Indian office.

## FLORENCE MINING COMPANY WILL PROSPECT RESERVATION

Belief General That This Group of Speculators Has Obtained Desired Privileges.

Fear That the Reservation May Not Be Opened Lest it Interfere With the Plans of Those in the Saddle.

(Special to The Herald.)  
VERNAL, UTAH, June 15.—That the Florence Mining company has acquired the privileges sought on the Uintah reservation is now patent by the fact that Attorney Thomas O'Donnell, who represents the company at this end, has been notified that representatives of the company will be in Vernal in a few days to purchase horses and outfits to commence the work of prospecting. The outfitting will be from this point, and it is presumed that the company will seek to avail itself of the knowledge of mineral deposits locked up in the craniums of a number of parties well acquainted with the reservation. Just what success they will have in purchasing these secrets remains to be seen, but it is dollars to doughnuts that they will be compelled to throw some good money in sight, and that promises will not go.

That this favored aggregation has succeeded in getting the privileges asked for over the protests of the citizens of the state, and despite the disclosures made, is no surprise to those who have watched the maneuvers of the department. There can be no further question that ours is a government by and for the people. It is only a question of determining who the people are. Evidently the hustling individuals connected with the Florence Mining company are a few of them. This is strictly in line with the statement recently made in The Herald that there was only one certainty as regards the reservation, and that was that the Florence company would secure a lease. The opening of the reservation is another matter. That depends solely and wholly upon how it will affect certain interests. That the reservation can be opened is not doubted by those well informed on the subject. That it will be is another matter, and can be determined only by the future.

The people of Uintah county realize and appreciate the work done by Utah's representatives in both houses of congress, and believe that the contention of Senator Rawlins and Congressman Sutherland that the title to the reservation lands is vested in the government and not with the Indians, and that their consent is not necessary to the opening, is the correct view.

## CUBA AN AMERICAN STATE IS SENATOR ELKINS' DREAM

Washington, June 14.—Senator Elkins today introduced a joint resolution in the senate providing for the annexation of Cuba and its admission as a state of the union. The resolution grants the consent of congress to the erection of the republic of Cuba as a state of the union, "to be called the state of Cuba, with a republican form of government, a constitution to be adopted by the people of said republic by deputies in convention assembled, with the consent of the existing government."

A condition is specified that the annexation of the proposed state shall be submitted to congress not later than Jan. 1, 1904. There also is a provision that the debts of Cuba shall not become a charge upon the general government. There is also an alternative provision giving the president authority, if he prefers to proceed in a more direct way, for Cuba's admission as a state.

This provision permits the admission under the terms of the resolution itself "instead of proceeding to submit the resolution to Cuba as a novelture on the part of the United States."

## COHEN GETS DIVORCE

Mining Man Given Freedom by San Francisco Court—Still Suffering From Accident.

(Special to The Herald.)

SAN FRANCISCO, June 14.—Following in the footsteps of his multimillionaire employer, Hartwig A. Cohen, general manager for Captain De Lamar, has divorced himself from his wife. But Cohen's divorce proceedings were attended with none of the notoriety that made the De Lamar affair one of the gossip of two continents, although both were of similar character, the woman in each case being remarkable for beauty that attracted attention abroad, and especially in Paris, where they are both residing at present. Thursday, in the local superior court, Cohen was granted a decree of divorce against Estelle Cohen, the ground being desertion. The proceedings were instituted here quietly several months ago, as told in The Herald at the time. Attorney Pexotto was careful to conceal the identity of his client by omitting his full name and all references to his business in the complaint. The wife's absence in Paris, beyond the jurisdiction of American courts, necessitated the publishing of the summons, but this was also accomplished quietly, and the only public suffering by the mining man was when a two-line announcement of the decree issued to H. A. Cohen appeared in yesterday's papers.

But while finally freed from marital bonds that were long distasteful to himself and his wife, Cohen is not in a position to enjoy the pleasure of the experience, for at the present time he lies in a local hospital suffering intense agony, the result of injuries received several days ago while automobiling with a young lady friend. A collision with a pole threw him and his companion out of the machine, which was wrecked, and its two occupants severely injured. The young lady is now on the road to recovery, but Cohen sustained a bad fracture of the leg, which the attending surgeons have feared for several days may necessitate amputation or possibly a permanent affliction that may incapacitate their patient for future service in his extensive mining operations.

FISHING SEASON OPENS

Thousands Will Visit Various Canyon Streams Today to Try Their Luck.

If you are a fisherman, today is the time to show it. Just as the big clock in the city and county building tolled the hour of midnight, the spring fishing season opened and it is safe to say that ere the sun touched the tops of the surrounding mountain peaks, every canyon stream was being eagerly whittled by the thousands of anglers who anxiously awaited this one day of the year.

All day yesterday, the sporting goods houses were filled with purchasers of fishing tackle, getting ready to take advantage of today's sport. During the evening and night numerous rigs filled with fishermen could be noticed hurrying to the canyons to be on the spot at the first break of day. Parley's and Cottonwood canyons caught the greatest number of people, and it half of those who have announced their intention of visiting these streams catch anything, the creeks will be depopulated of the finny tribe for many years to come.

East canyon and Mill creek canyon will also come in for a goodly number of fishermen anxious to try their luck. Many went down to Provo last night in order to be the first on the ground in the Provo river and Hoback creek, while others have gone up to Ogden to take chances with the Weber county fishermen in the Weber and Ogden rivers.

Last night boys scarcely out of klits and gray-haired men were noticed trudging homeward with bamboo poles and fine jointed rods over their shoulder. These, and thousands of others, are eagerly looking forward to this day with visions of a fine fish dinner this evening.

Ringer Escapes Again.

Butte, Mont., June 14.—Special to the Mining News. Red Lodge says Laurin M. Ringer, who was confined here waiting trial on the charge of having stabbed Louis Speilman in September of '90, made his second escape from the county jail today. After making his first escape Ringer was at liberty for almost a year and a half. He was captured in Lincoln, Neb., last March. Ringer is a white man, about 35 years of age, and has been posted at many points leading from the city. His capture is expected within a few hours.

JOHN AXTON MEETS THE PRESIDENT.

(Special to The Herald.)

WASHINGTON, D. C., June 14.—It is virtually settled that the nomination of Rev. John T. Axton of Salt Lake City as chaplain in the United States army will be sent to the senate next Monday. Axton, who has been attending the general conference of the secretaries of the Y. M. C. A. at Mountain Lake, Md., called upon the president today, accompanied by Senator Kearns and David Keith of Salt Lake City. President Roosevelt was greatly pleased with Mr. Axton, telling him he was exactly the right kind of a man for the position he sought. He said: "I like muscular Christianity, and I know you can do the boys a great deal of good." He assured Mr. Axton that his name had already been sent to Secretary Root for his approval. Later Mr. Axton met Secretary Root, who told him he was familiar with his Y. M. C. A. work, and expressed gratification that he was tendering his services. Mr. Axton will be ordered to Fort Douglas to take the requisite examination for the chaplaincy. He will remain in this city as the guest of Senator Kearns for several days before returning to Utah.